

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

ANGELA OLEJNICEK, :  
Plaintiff, : Case No. 3:12cv00261  
v. : District Judge Walter Herbert Rice  
THE KROGER CO., : Chief Magistrate Judge Sharon L. Ovington  
Defendant. :  
\_\_\_\_\_

**ORDER**

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This case is presently before the Court upon Plaintiff's Unopposed Motion to Stay Discovery (Doc. #12), Motion to Withdraw as Attorney (Doc. #11), and the record as a whole.

Attorney Lucas Wilder requests the Court allow him to withdraw as counsel due to the fact he "was recently advised that [Plaintiff] may not have divulged the identity of this lawsuit and claim to the bankruptcy court," in two Chapter 13 bankruptcy petitions she previously filed and which were subsequently dismissed. (Doc. #11 at 2-3). Mr. Wilder has "spent time researching the applicable law and discussing this matter with [Plaintiff] and her bankruptcy attorney . . .," yet informs the Court that "[g]iven the uncertainty of the outcome of the judicial estoppel matter – and because counsel for Defendant has threatened sanctions if successful – counsel currently has a differing view from his client on how to proceed in this matter." (Doc. #11 at 2). Due to their conflicting viewpoints,

Mr. Wilder asserts that representation of Plaintiff has been rendered unreasonably difficult and requests to withdraw. He further advises the Court that he has discussed the issue with his client, Angela Olejnicek, and she has consented to such a withdrawal. (Doc. #11-1). Having shown good cause, and noting Ms. Olejnicek was served with a copy of the Motion, counsel's Motion to Withdraw as Attorney (Doc. #11) is well taken.

Plaintiff also seeks a stay of the discovery deadline (currently set for May 28, 2013) and has indicated Defendant does not oppose such a request. (Doc. #12 at 1-2). Although the parties have not stipulated to a specific period of time to stay discovery, the Court will stay discovery in this matter until June 3, 2013. Thereafter, discovery will resume until June 28, 2013. Accordingly, the Preliminary Pretrial Conference Order (Doc. #8) is amended as follows:

11. Cut-off <b><u>DEADLINE</u></b> for discovery:	<b><u>6/28/2013</u></b>
12. Status conference following discovery deadline:	<b><u>To be Determined</u></b>
13. Cut-off date for filing of motions for summary judgment:	<b><u>7/28/2013</u></b>

**All other dates remain unchanged.**

**IT IS THEREFORE ORDERED THAT:**

1. Plaintiff's Unopposed Motion to Stay Discovery (Doc. #12) is GRANTED and discovery is stayed until June 3, 2013;
2. Attorney Lucas Wilder's Motion to Withdraw as Counsel (Doc. #11) is GRANTED;
3. Plaintiff must file a notice with the Court **on or before June 3, 2013**, indicating whether she obtained new counsel or chooses to represent herself in this matter;

4. The Clerk of Court is directed to serve a copy of this Order by regular mail on Plaintiff Angela Olejnicek at 217 West Lynn Street, P.O. Box 409, St. Paris, Ohio 43072; and,
5. The case remains pending on the docket of this Court.

May 17, 2013

s/Sharon L. Ovington  
Sharon L. Ovington  
Chief United States Magistrate Judge